

Merits Panel  
BOX INTERFERENCE  
WASHINGTON DC 20231  
703-308-9797  
703-305-0942 (fax)

Paper No. 94 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

W. FRENCH ANDERSON,  
R. MICHAEL BLAESE, and STEVEN A. ROSENBERG  
(5,399,346),  
Junior Party,

v.

JEFFREY R. MORGAN  
and RICHARD C. MULLIGAN  
(08/153,275),  
Senior Party.

MAILED

JUN 28 2002

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Interference No. 104,712

Before SCHAFER, TORCZON, and GRIMES, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

**JUDGMENT**  
(PURSUANT TO 37 CFR § 1.640)

In Paper No. 88 at 56, the parties were placed under an order to show cause why final judgment should not be entered against each of them, pursuant to 37 C.F.R. § 1.640(d)(1). No timely response has been received from either party. Counsel indicated, when called by a Board paralegal, that they had not filed responses.

ORDER

In view of the parties' failure to respond to an order to show cause, it is:

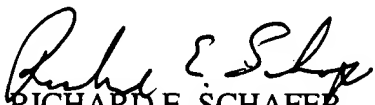
ORDERED that judgment as to Count 1 is awarded against both parties;

FURTHER ORDERED that Anderson is not entitled to a patent containing claims 1-14 of Anderson's 5,399,346 patent, which correspond to Count 1;

FURTHER ORDERED that Morgan is not entitled to a patent containing claims 30-34, 36, and 43-49 of Morgan's 08/153,275 application, which correspond to Count 1;

FURTHER ORDERED that the preliminary statements be returned unopened; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Anderson's 5,399,346 patent and Morgan's 08/153,275 application.

  
RICHARD E. SCHAFER  
Administrative Patent Judge

  
RICHARD TORCZON  
Administrative Patent Judge

  
ERIC GRIMES  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

INTERFERENCE  
TRIAL SECTION

Interference No. 104,712  
Anderson v. Morgan

Paper No. 91  
Page 3

cc (first-class mail):

Counsel for Anderson (real parties-in-interest - United States of America as represented by the  
Department of Health and Human Services and Genetic Therapy, Inc.):

John Kilyk, Jr.  
Jeffrey B. Burgan  
Bruce M. Gagala  
LEYDIG, VOIT & MAYER, LTD.  
2 PRUDENTIAL PLZ STE 4900  
CHICAGO IL 60601

Tel: 312-616-5600                      Fax: 312-616-5700

James C. Haight  
NATIONAL INSTITUTES OF HEALTH  
OFFICE OF TECHNOLOGY TRANSFER  
6011 EXECUTIVE BLVD STE 325  
ROCKVILLE MD 20852-3804

Tel: 301-496-7056 x242              Fax: 301-402-0220

Counsel for Morgan (real party-in-interest - Whitehead Institute for Biomedical Research and  
Cell Genesys):

Thomas E. Friebe  
Samuel Abrams  
PENNIE & EDMONDS LLP  
1155 AVE OF THE AMERICAS  
NEW YORK NY 10036-2711

Tel: 212-790-9090                      Fax: 212-869-9741

## INTERFERENCE DIGEST

Interference No. 104,712

Paper No. 25

Name: W. French Anderson et al.

Serial No.: 08/220,175

Patent No. 5,399,346

Title: Gene therapy

Filed: 03/30/94; granted 03/21/95

Interference with Morgan et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, Amable

Dated, 3/28/92

adverse

6.28.82

Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.